IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 12TH MARCH 2007 / 21ST PHALGUNA 1928

WP(C).No. 8137 of 2007(S)

OS.246/2006 of FAMILY COURT,KOLLAM
.....

PETITIONER:

RESMI PILLAI, PROPRIETOR,
SREE PARAMESWARA FUELS, VADAKKUMTHALA P.O.

BY ADV. SRI.M.BALAGOVINDAN
adv. SRI.M.R.SASITH

RESPONDENT:

V.SUNIL, ADVOCATE,
KUNNATH HOUSE, VADAKKUMTHALA EAST P.O.,
KARUNAGAPPALLI.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & K.T. SANKARAN, JJ.

.....

W.P.(C) No. 8137 OF 2007

.....

Dated this the 12th March , 2007

J U D G M E N T

Kurian Joseph, J:

Writ Petition is filed with the following prayer:

> *"Issue a writ of mandamus or other appropriate writ, direction or order declaring that Ext.P1 is not a matter that comes within the explanation of Section 7 of the Family Court's Act."*

2. It is for the petitioner to raise the issue before the Family Court itself. Writ Petition is disposed of making it clear that in case the petitioner raises maintainability of the suit, O.S. 246 of 2006 as a preliminary issue, only after considering and deciding the said issue, the trial of the case shall be proceeded with, if required.

Writ Petition is disposed of as above.

KURIAN JOSEPH,
JUDGE.

K.T. SANKARAN,
JUDGE.

lk